

# HOUSE . . . . . No. 1407

By Mr. Walsh of Boston, petition of Jarrett T. Barrios relative to the safety of the ports of the Commonwealth. Public Safety and Homeland Security.

## The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO MASSACHUSETTS PORT SAFETY.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. The following words, as used in this act, shall  
2 have the following meanings:—

3 “Barge”, a non-self-propelled vessel carrying hazardous cargos,  
4 as defined herein, in bulk or residues from said cargos.

5 “Docking pilot”, a person qualified under the regulations pro-  
6 mulgated pursuant to this act, aboard a regulated vessel, who is  
7 responsible for overseeing and coordinating the vessel’s transit  
8 escort or assisting with the mooring or unmooring of the regulated  
9 vessel.

10 “Escort Vessels”, commercial harbor tugboat and towboat ves-  
11 sels conducting ship assist and escort services.

12 “Harbor Transit”, the passage of a regulated vessel within a  
13 Massachusetts Port.

14 “Hazardous Cargos”, gaseous, liquid or bulk cargos consisting  
15 in whole or in part of petroleum or hazardous substances as  
16 defined in section 1 of chapter 94B of the General Laws.

17 “Massachusetts Ports”, the waters of the Commonwealth con-  
18 tiguous to the navigable waters of the United States which receive  
19 regulated vessels including Boston Harbor, Chelsea, Everett,  
20 Revere, Quincy and Quincy Bay, Dorchester Bay, Weymouth Fore  
21 River, Weymouth Town River and Salem Harbor, all as shown on  
22 the most current United States National Oceanic and Atmospheric  
23 Administration Nautical Charts.

24 “Office of Public Safety”, the Commonwealth of Massachusetts  
25 Executive Office of Public Safety.

26 “Petroleum”, insoluble or partially soluble oils of any kind or  
27 origin or in any form, including, without limitation, crude, waste  
28 or fuel oils and gasoline, lube oil or sludge, and their insoluble or  
29 partially insoluble derivatives.

30 “Regulated Vessels”, inbound and outbound tanker ships,  
31 freighters, barges, and other vessels conveying bulk hazardous  
32 cargos.

33 “Tanker Ship”, a self-propelled vessel carrying hazardous cargos  
34 in bulk or residues from said cargos.

35 “Transit Escort”, one or more tug or tow boats escorting or  
36 assisting a regulated vessel during a harbor transit.

1 SECTION 2. Notwithstanding the provisions of chapter 102 or  
2 chapter 103 of the General Laws or any other general or special  
3 law to the contrary, the office of public safety, or any agency  
4 within said office so designated by the secretary of the office of  
5 public safety, shall promulgate regulations governing harbor tran-  
6 sits and regulated vessels and escort vessels conducting said  
7 harbor transits in Massachusetts Ports. The regulations shall  
8 address the safety and environmental concerns posed by regulated  
9 vessels and escort vessels engaged in the harbor transit and  
10 maneuvering in close quarters of cargos defined as hazardous by  
11 this act. Said regulations shall include, but not be limited to, the  
12 required use of a qualified docking pilot for harbor transits, and:

13 (i) the training, experience and qualifications for docking  
14 pilots;

15 (ii) the number and type of escort vessels required for various  
16 regulated vessels, their cargos and for various harbor transits;

17 (iii) for escort vessels:

18 a) requisite equipment;

19 b) crew training;

20 c) crew complement;

21 d) record keeping and reporting requirements;

22 e) mechanisms for oversight of the regulations promulgated  
23 hereunder, which may include private, third-party auditors;

24 f) specific conditions and operations occurring in each Massa-  
25 chusetts Port; and

26 g) support of emergency services.

27 In drafting its regulations, the office of public safety or its  
28 designee shall seek input from the Captain of the Port of Boston;  
29 harbor pilots; docking pilots; tug and barge operators; shipping  
30 agents; terminal operators; harbor masters, fire and police depart-  
31 ments from the municipalities in which the Massachusetts Ports  
32 are located; the Massachusetts State Police, Massachusetts Office  
33 of Coastal Zone Management, Massachusetts Port Authority, and  
34 the Environmental Business Council of New England. The office  
35 of public safety, or any agency within said office so designated by  
36 the secretary of the office of public safety, shall be responsible for  
37 the enforcement of the provisions of this act and any regulation  
38 promulgated pursuant to this act, and in doing so may enter into  
39 agreements or other instruments with agencies or independent  
40 authorities of federal, state, county, regional or municipal govern-  
41 ment that provide for the cooperative enforcement of this act.

1 SECTION 3. The office of public safety or its designee shall pro-  
2 mulgate regulations governing regulated vessels and escort services  
3 operating in Massachusetts Ports in accordance with the foregoing  
4 not later than 120 days from the effective date of this act.